

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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G5 OUTDOORS, LLC,

Plaintiff,

v

Case No. 2:15-CV-13990-RHC-MJH

HONORABLE ROBERT CLELAND

MITCH MCKAY,

Defendant.

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Attorneys for Plaintiff

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Attorneys for Defendant

S F I P U L A T E D  
~~TEMPORARY RESTRAINING ORDER, ORDER TO SHOW CAUSE,  
AND ORDER TO APPEAR~~

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At a session of said Court, held in the Federal Building  
in Detroit, Michigan, on November 30, 2015.

PRESENT: Hon. Robert Cleland, U.S. District Court Judge.

This Court has read the Verified Complaint and Motion for Temporary Restraining Order, Order to Show Cause and Order to Appear of Plaintiff, G5 Outdoors, LLC (“G5”), requesting a temporary restraining order and preliminary injunction. It appears from the Verified Complaint that G5 does not have an adequate remedy at law and that the actions of Defendant, Mitch McKay (“Mr. McKay”), have caused and will cause immediate and irreparable harm to G5 as a result of the breach of McKay's Employment Agreement with G5.

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FURTHERMORE, it is recognized that the Order set forth below is issued without notice to prevent immediate and irreparable harm that would result in the risk that notice will itself precipitate adverse action before an order can be issued, as demonstrated from the specific facts set forth in the Verified Complaint and from the Attorney Certification evidencing what notice has been given and why further notice should not be required.

~~STIPULATED AND~~ IT IS ACCORDINGLY HEREBY ORDERED AND ADJUDGED as follows:

A. Pending a hearing on the Order to Show Cause, Mr. McKay is restrained and

adjoined from:

~~contacting or~~

- i. ~~Contacting or soliciting any of G5's customers located in any state east of the Mississippi River or in Canada.~~
- ii. Assisting Bowtech or any person associated with Bowtech with soliciting any G5 customers located in any state east of the Mississippi or in Canada.
- iii. Destroying any G5 property remaining in his possession.

B. McKay shall return all of G5's confidential and proprietary information including all reports, memoranda, business plans, customer information, pricing information, technical information or other documents received by him or created by him in the course of his employment with G5, including all such information stored electronically.

C. McKay shall not disclose to Bowtech any of G5's confidential or proprietary information or use such information in the course of his employment with Bowtech.

D. Both parties may participate in expedited discovery during the period prior to the hearing on the Order to Show Cause, including depositions and subpoenas duces tecum.

E. Defendant shall appear before this Court located at 440 N. Main Street, Mt. Clemens, Michigan, on \_\_\_\_\_, 2015, at \_\_\_\_\_.m., or as soon thereafter as

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counsel may be heard, and show cause, if any there be, why a preliminary order of injunction enjoining the conduct above shall not issue.

F. A copy of this Order shall be served on Mr. McKay or his counsel on or before , 2015.

E. Issued on November 30, 2015 at 3:30 PM

  
U.S. District Court Judge

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The parties' agreement to this TRO is without prejudice to any position either might take going forward in this litigation.

Stipulated & Agreed:

  
Jeffrey D. Hene,  
Attorney for Def. McKay

  
Ralph Colasurdo (553019)  
attorney for Plaintiff.

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